

United States District Court
STATE AND DISTRICT OF MINNESOTA

UNITED STATES OF AMERICA

V.

FRANCISCO ALARCON-FLORES

CRIMINAL COMPLAINT

Case Number:

10-MJ-210(JJG)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about April 28, 2010, in Redwood County, in the State and District of Minnesota, defendant an alien who had previously been removed from the United States subsequent to a conviction for an aggravated felony, namely, third degree rape on June 10, 2003, in Yankton County, South Dakota, knowingly and unlawfully re-entered and was found in the United States without having obtained the consent of the Attorney General of the United States or his successor, the Secretary of Homeland Security, to re-apply for admission into the United States,

in violation of Title 8, United States Code, Section(s) 1326(a) and 1326(b).

I further state that I am a(n) Deportation Officer and that this complaint is based on the following facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No

Sworn to before me, and subscribed in my presence,

Date

5/26/10
The Honorable Jeanne J. Graham
UNITED STATES MAGISTRATE JUDGE


Name & Title of Judicial Officer

at

St. Paul, MN

City and State

Signature of Judicial Officer



Signature of Complainant

Dustin Halverson

BICE

SCANNED

MAY 26 2010

U.S. DISTRICT COURT ST. PAUL

10-MJ-210 (JJG)

STATE OF MINNESOTA)
) ss. AFFIDAVIT OF Dustin Halverson
COUNTY OF RAMSEY)

Dustin Halverson, being duly sworn, deposes and states as follows:

1. Your Affiant has been employed with Immigration and Customs Enforcement (ICE) within the Department of Homeland Security (DHS) since April 1, 2007. On August 1, 2009, your Affiant was promoted to Deportation Officer.

2. As a Deportation Officer, your Affiant's duties and responsibilities include overseeing the cases of aliens in removal proceedings. Your Affiant is also responsible for reviewing alien files in connection with the detention and release of aliens in ICE custody.

3. This Affidavit is based on your Affiant's training, experience, personal knowledge, discussions with other law enforcement officers and agents directly involved in this investigation, and my review of official reports and documents related to this investigation.

4. This Affidavit is made for the purpose of establishing probable cause in support of a federal arrest warrant, and therefore contains only a summary of relevant facts. Based upon all the facts and information set forth in this Affidavit, your Affiant believes that probable cause exists to believe that, on or about April 28, 2010, in Redwood County, Minnesota, in the State and District of Minnesota, Francisco ALARCON-Flores unlawfully

re-entered and was found in the United States after having been previously removed, without having obtained the consent of the Attorney General or his successor, the Secretary of Homeland Security, to re-apply for admission to the United States, and the defendant's removal was subsequent to a conviction for commission of an aggravated felony, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and Title 6, United States Code, Sections 202 and 557.

5. On or about April 28, 2010, ALARCON-Flores was arrested by Redwood Falls Police Department for Driving without a Valid License or Vehicle and Display/Possess Fictitious or Fraudulent DL.

6. On April 28, 2010, ALARCON-Flores was encountered by an ICE Immigration Enforcement Agent after having received notification from the Redwood County Jail via the Criminal Alien Program (CAP) duty telephone of the defendant's detention. ALARCON-Flores was interviewed and admitted having illegally entered the United States. On April 28, 2010, an ICE hold was placed on the defendant with the Redwood County Jail. On May 4, 2010, ALARCON-Flores was turned over to the custody of Renville County Sheriff's Office on a complaint warrant issued on August 3, 2005 for multiple traffic offenses. On May 19, 2010, ALARCON-Flores was then turned over to the custody of McLeod County Sheriff's Office on a warrant issued on August 2, 2005 for Driving While Intoxicated and Open Container. On May 20, 2010,

ALARCON-Flores was

turned over to ICE custody from the McLeod County Jail.

7. On June 10, 2003, ALARCON-Flores was convicted of 3rd Degree Rape involving a minor in violation of South Dakota Codified Law 22-22-1[5] in the First Judicial Circuit Court of Yankton County, South Dakota. On June 10, 2003, ALARCON-Flores was sentenced to 5 years imprisonment.

8. ALARCON-Flores's immigration file indicates that he has been previously arrested and removed from the United States on June 25, 2003, through the Laredo, Texas port of entry.

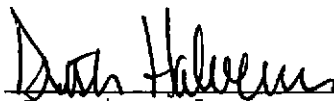
9. Law enforcement has confirmed through fingerprints and photographs contained in ALARCON-Flores's criminal history and his immigration file that the individual named Francisco ALARCON-Flores who is referenced in those records is, in fact, the same person who is currently in ICE custody and was encountered on April 28, 2010 by Redwood Falls Police Department Officers.

10. Your Affiant's investigation has revealed that since his removal from the United States on June 25, 2003, ALARCON-Flores has not applied for, nor received, permission to enter the United States from the Attorney General, his successor, the Secretary of Homeland Security, or any other designated and authorized representative.

11. Based on these facts, your Affiant has reason to believe that the defendant, Francisco ALARCON-Flores, unlawfully re-entered and was found in the United States after removal, in violation of Title 8, United States Code, Sections 1326(a) and 1326(b)(2) and

Title 6, United States Code, Sections 202 and 557.

Further Your Affiant Sayeth Not.



Dustin Halverson, Deportation Officer
Immigration and Customs Enforcement

SUBSCRIBED and SWORN to Before Me
This 26th day of May, 2010.



The Honorable Jeanne J. Graham
United States Magistrate Judge